

appropriated by the legislature for the Communities In Schools program are transferred to the Texas Education Agency for the Communities In Schools program; and

(4) all employees of the Department of Protective and Regulatory Services who primarily perform duties related to the Communities In Schools program become employees of the Texas Education Agency, to be assigned duties related to the Communities In Schools program.

(b) For the 2003 and 2004 state fiscal years, all full-time equivalent positions (FTEs) authorized by the General Appropriations Act for the Communities In Schools program are transferred to the Texas Education Agency and are not included in determining that agency's compliance with any limitation on the number of full-time equivalent positions (FTEs) imposed by the General Appropriations Act.

(c) A reference in law or administrative rule to the Department of Protective and Regulatory Services that relates to the Communities In Schools program means the Texas Education Agency. A reference in law or administrative rule to the executive director of the Department of Protective and Regulatory Services that relates to the Communities In Schools program means the commissioner of education.

(d) A rule of the Department of Protective and Regulatory Services relating to the Communities In Schools program continues in effect as a rule of the commissioner of education until superseded by rule of the commissioner of education. The secretary of state is authorized to adopt rules as necessary to expedite the implementation of this subsection.

SECTION 4. (a) The transfer of the Communities In Schools program and associated powers, duties, functions, and activities under this Act does not affect or impair any act done, any obligation, right, order, license, permit, rule, criterion, standard, or requirement existing, any investigation begun, or any penalty accrued under former law, and that law remains in effect for any action concerning those matters.

(b) An action brought or proceeding commenced before September 1, 2003, including a contested case or a remand of any action or proceeding by a reviewing court, is governed by the law and rules applicable to the action or proceeding immediately before September 1, 2003.

SECTION 5. This Act takes effect September 1, 2003.

Passed the Senate on May 13, 2003: Yeas 31, Nays 0; passed the House on May 28, 2003, by a non-record vote.

Approved June 20, 2003.

Effective September 1, 2003.

## CHAPTER 1206

### S.B. No. 1047

#### AN ACT

relating to the authority and permissible actions of state and local officers, including protecting such officers from certain consequences based on their legislative actions.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter C, Chapter 572, Government Code, is amended by adding Section 572.059 to read as follows:

*Sec. 572.059. INDEPENDENCE OF STATE AND LOCAL OFFICERS ACTING IN LEGISLATIVE CAPACITY. (a) In this section, "legislative measure" includes:*

*(1) a bill, resolution, order, or other proposal to adopt, enact, amend, or repeal a statute, ordinance, rule, or policy of general application;*

*(2) a proposal to adopt, enact, amend, or repeal, or to grant a variance or other exception to, a zoning ordinance; or*

*(3) a proposed constitutional amendment or charter amendment subject to a vote of the electorate.*

*(b) For purposes of Subsection (a), a measure that is applicable to a class or subset of persons or matters that is defined in general terms without naming the particular persons or matters is a measure of general application.*

*(c) To protect the independence of state and local officers acting in a legislative capacity, a state or local officer, whether elected or appointed, including a member of the governing body of a school district or other political subdivision of this state, may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:*

*(1) an action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure;*

*(2) proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;*

*(3) the effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or*

*(4) a breach of duty, in connection with the member's practice of or employment in a licensed or regulated profession or occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding:*

*(A) the officer's actions relating to a legislative measure; or*

*(B) the substance, effects, or potential effects of a legislative measure.*

SECTION 2. Section 25.051, Local Government Code, is amended to read as follows:

Sec. 25.051. OTHER MUNICIPAL OFFICERS. *(a) After a municipality adopts the city manager form of government under this chapter, all municipal officers, except members of the governing body of the municipality, shall be appointed as provided by ordinance. However, an elected officer serving at the time of the adoption of the city manager form of government may continue to serve until the expiration of the officer's term.*

*(b) This chapter does not limit the authority of the governing body of a general-law municipality to appoint and prescribe the powers and duties of a municipal officer or employee under Chapter 22, 23, or 24.*

SECTION 3. Chapter 171, Local Government Code, is amended by adding Section 171.010 to read as follows:

Sec. 171.010. PRACTICE OF LAW. *(a) For purposes of this chapter, a county judge or county commissioner engaged in the private practice of law has a substantial interest in a business entity if the official has entered a court appearance or signed court pleadings in a matter relating to that business entity.*

*(b) A county judge or county commissioner that has a substantial interest in a business entity as described by Subsection (a) must comply with this chapter.*

*(c) A judge of a constitutional county court may not enter a court appearance or sign court pleadings as an attorney in any matter before:*

*(1) the court over which the judge presides; or*

*(2) any court in this state over which the judge's court exercises appellate jurisdiction.*

*(d) Upon compliance with this chapter, a county judge or commissioner may practice law in the courts located in the county where the county judge or commissioner serves.*

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Passed the Senate on April 2, 2003: Yeas 31, Nays 0; the Senate concurred in House amendments on May 29, 2003: Yeas 30, Nays 0; passed the House, with amendments, on May 24, 2003: Yeas 110, Nays 0, two present not voting.

Approved June 20, 2003.

Effective June 20, 2003.